

**REMARKS/ARGUMENTS**

Applicants are proposing to further amend their case to add an additional independent claim 242. This newly added claim is supported by applicants' provisional application for the same reasons previously presented in connection with claim 189. If the Examiner sees any issues concerning this proposed new claim, she is invited to contact the undersigned to discuss. Assuming the newly proposed independent claim is allowable, applicants intend to rewrite the dependencies of certain dependent claims in this case to make them depend from this newly added independent claim.

Additionally, applicants attach a copy of an updated docket listing plus a recent decision from the district court in connection with their issued parent patent.

Should any issues remain outstanding, the Examiner is invited to contact the undersigned at the telephone number listed below to discuss.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

HARRINGTON et al.  
Appl. No. 10/613,319  
August 24, 2007

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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